

## **EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff-Applicant,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.	Adv. Pro. No. 08-01789 (SMB)  SIPA LIQUIDATION  (Substantively Consolidated)
In re:  BERNARD L. MADOFF,  Debtor.	
IRVING H. PICARD, Trustee for the Liquidation Of Bernard L. Madoff Investment Securities LLC,  Plaintiff,  v.  EDMOND A. GOREK,  Defendant.	Adv. Pro. No. 10-04623 (SMB)

**ORDER GRANTING IN PART AND DENYING IN PART  
DEFENDANT'S MOTION TO DISMISS**

Defendant Edmond A. Gorek ("Dr. Gorek"), having filed a motion to dismiss ("Motion to Dismiss") the complaint in the above captioned adversary proceeding (the "Complaint"), and the Court having considered the Motion to Dismiss and granted the Motion to Dismiss in part and denied the Motion to Dismiss in part for reasons set forth in its Memorandum Decision Regarding Omnibus Motions to Dismiss (the "Decision") entered June 2, 2015.

Accordingly, it is hereby ORDERED that:

1. The Motion to Dismiss Count 1 is denied.
2. The Motion to Dismiss Counts 2 through 6 is granted.
3. As to Count 7, which seeks to recover subsequent transfers from subsequent transferee defendant Dr. Gorek pursuant to section 550(a) of the Bankruptcy Code, applicable provisions of SIPA including section 78fff-2(c)(3) and New York Debtor and Creditor Law (the "Subsequent Transferee Count"), the Trustee shall determine on or before August 17, 2015 (the "Consideration Period") whether (i) the Trustee intends to amend the subsequent transferee allegations in the Complaint, or (ii) the Subsequent Transferee Count will be dismissed without prejudice.
4. Should the Trustee seek to amend the Subsequent Transferee Count, he will seek Dr. Gorek's written consent to an amendment of the subsequent transferee allegations in a manner consistent with the Decision, which written consent will not be unreasonably withheld. If necessary, the Trustee will seek leave of the Court to amend in accordance with Rule 15(a)(2) of the Federal Rules of Civil Procedure. Should no request for consent to the amendment of the Complaint be provided to Dr. Gorek prior to the expiration of the Consideration Period, the Subsequent Transferee Count in the Complaint will be deemed dismissed without prejudice.
5. If Count 7 is deemed dismissed at the conclusion of the Consideration Period, Dr. Gorek shall file his Answer to the Complaint within 30 days following the expiration of the Consideration Period or September 16, 2015. Dr. Gorek will move forward thereafter on a schedule to be established by further order of the Court after consultation among the parties.
6. If the Trustee seeks leave to amend the Complaint, the action will move forward thereafter on a schedule consistent with the applicable Rules of Civil Procedure, including, without limitation, Rule 15(a)(3).

7. This Court retains jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: New York, New York  
\_\_\_\_\_, 2015

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HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE